

REMARKS

Entry of the foregoing and reexamination and reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested in light of the remarks which follow.

Applicants thank the Examiner for the telephonic interview with Applicants' representative, Donna Meuth, on October 7, 2003. In the interview, the Examiner confirmed that the outstanding Office Action of September 24, 2003 is a non-final action, although the Office Action Summary form was inadvertently marked as "final."

As indicated in the Office Action Summary, claims 2-10, 17-25, 38-41 and 44-73 are pending in the instant application. Applicants gratefully acknowledge that claims 44-52 stand allowed. In the interest of expediting prosecution, claims 2-10, 17-25, 38-41 and 53-73 are canceled herein without prejudice or disclaimer to the subject matter recited therein. Applicants reserve the right to file at least one continuation or divisional application directed to any subject matter canceled herein.

Rejections under 35 U.S.C. §112, second paragraph

Claims 2-10, 17-25 and 38-41 stand rejected under 35 U.S.C. § 112, second paragraph, as purportedly indefinite. Without acquiescing in the rejection, claims 2-10, 17-25 and 38-41 are canceled, thus mooted the rejection.

Rejections under 35 U.S.C. §112, first paragraph

Claims 2-10, 17-25, 38-41 and 54-73 stand rejected under 35 U.S.C. § 112, first paragraph, as purportedly not enabled by the specification. Without acquiescing in the rejection, claims 2-10, 17-25, 38-41 and 54-73 are canceled, thus mooting the rejection.

Rejections under 35 U.S.C. §103

Claims 2-9, 17-24 and 38-41 stand rejected under 35 U.S.C. § 103(a) as purportedly unpatentable over Suntory Ltd. (JP 62-286949) in view of Vassalli and Baeuerle. Without acquiescing in the rejection, claims 2-9, 17-24 and 38-41 are canceled, thus mooting the rejection.

CONCLUSION

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

Burns, Doane, Swecker & Mathis, L.L.P.

Date: March 24, 2004

By: Deborah H. Yellin
Reg. No. 45,904 for
Susan M. Dadio
Registration No. 40,373

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620